

November 2000 Appeals

Recently, we received a call from a PECFA claimant who was inquiring about what they could do given the fact that a large share of costs included within their claim had been denied for reimbursement. The claimant was generally aware of the appeal process and the number of appeals that had been filed with the program because of the bonding payments and wanted to know when they could expect to have their appeal heard. We spent some time talking about the number of appeals that had been filed with the program (three years of claims and resulting appeals being compressed into 90 days) and what that could mean to the claimant.

As we talked, however, it became clear that the issue in the claim was one of documentation. Specifically, the issue was a failure to provide clear evidence that bidding had been done for certain commodity services. Although the backlog for the hearing of appeals is large, there was an opportunity available to the claimant. Because the issue was one of documentation, they had a good shot at quickly resolving their appeal if they were able to provide the missing information when they filed their appeal.

As we have described in past articles, the "first" step in the appeal process (after the appeal is recorded as received) is for the claim reviewer who reviewed the claim originally to re-review the denied costs in light of the information submitted with the appeal. This is done to determine if any of the issues have been resolved and whether any part of the appeal can be settled. This process routinely results in a significant number of appeals being quickly settled with a minimum of delay and cost. Clearly, appeals involving missing documents and information are most likely to be able to be settled through this early review while issues of code compliance are least likely to be resolved.

The point that we made with the claimant was that the act of filing the appeal was a not just a formality but a very real opportunity to resolve the appeal. All too frequently, otherwise resolvable appeals are submitted with only minimal information and not the detail necessary to provide a resolution. Sometimes the lack of completeness is a result of the information not being available but in other instances, it appears to be a failure to make a full effort to pull together and submit the information that is available. Attention to detail at this point can document the allowability of the denied costs. Waiting to provide the missing information until the claimant gets to the "real" appeal process will result in a significant delay in resolving the appeal and possibly additional cost to the claimant.

Although we have covered this issue in the past, it is doubly important now because of the large number of appeals that are filed with the PECFA program. As many as a third of the appeals can be resolved at the very start of the appeal process. This is a real opportunity for the claimant and not one that should be missed. If the issues of disallowance are ones of documentation or a set of missing records, don't wait to provide that information, provide it along with the original appeal. The effort can result in the appeal being part of the one third that do not have to move slowly through the appeal backlog.